

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

STATE OF NEW YORK, et al.,

Plaintiffs,

v.

UNITED STATES DEPARTMENT
OF COMMERCE, et al.,

Defendants.

CIVIL ACTION NO. 1:18-cv-2921 (JMF)

**AFFIDAVIT OF MARCHELLE
FRANKLIN**

Pursuant to 28 U.S.C. § 1746(2), I, Marchelle Franklin, hereby declare as follows:

1. I am over the age of eighteen and have personal knowledge of all the facts stated herein.
2. I am the Human Services Director for the City of Phoenix, a role I have held since November 2017. In this role, I oversee a staff of 375 employees and a budget of approximately \$84 million. Part of my work includes overseeing the federally-funded programs described in this declaration.
3. I have worked for the City of Phoenix since 2002. My previous roles include serving as the Interim Human Services Director, Director of the Police Department's Community Affairs Division, and Chief of Staff for former Mayor Phil Gordon. I have a Masters of Business Administration in finance from Grand Canyon University, a Bachelor of Science in business administration from the University of Phoenix, and I completed the Executive Development Program in human resources consulting and strategy development at the University of Southern California.
4. The City of Phoenix Human Services Department provides a comprehensive array of services to help people meet emergency, short-and long-term needs, and help every

individual reach their highest level of self-sufficiency. Program areas include early childhood education, emergency assistance, older adult services, crime victim services, homeless services, business/workforce development and community initiatives:

- a. **Education.** Responsible for overall implementation and monitoring of Head Start performance standards for more than 3,300 children through a directly operated program and contracted delegate agencies.
 - b. **Community and Senior Services.** Community Services develops, implements and operates human service programs to meet the emergency, short and long-term needs of eligible low-income residents, to include the elderly and individuals with disabilities.
 - c. **Family Advocacy Center.** The Family Advocacy Center uses a multidisciplinary approach to provide comprehensive services to victims of violent crime such as domestic and sexual violence, child abuse, physical assault and homicide.
 - d. **Homeless Services.** Homeless Programs provide emergency shelter, rapid-rehousing (Housing First), street outreach and supportive services components for homeless families, youth and individuals through city programs and through contracts with local community providers.
 - e. **Business and Workforce Development.** Business and Workforce Development programs provide job readiness and skills training for adults and youth.
5. An undercount of the true population of the City of Phoenix in the upcoming 2020 Census would impact the work of the Human Services Department in a number of ways.
 6. **Victims of Crime Act (“VOCA”) Funds.** The U.S. Department of Justice administers the

distribution of VOCA funds. The VOCA statutory distribution formula provides each state with a base amount for each state and distributes the remainder proportionately, based on U.S. Census population. These funds support direct services to victims of crime that assist with emotional, psychological or physical needs; stabilization after victimization; understanding and participating in the criminal justice system; and/or restoring a measure of security and safety. A differential undercount on the 2020 Census that impacts Arizona relative to other states would likely affect the VOCA funding passed through to the City of Phoenix that provide crucial services to victims of domestic violence, sexual assault, and physical assault. The services provided include crisis intervention, emergency services (i.e. transportation, child care services, and temporary housing), and comprehensive assistance with navigating the criminal justice system. The City of Phoenix's Family Advocacy Office receives \$ 665,420 annually in VOCA funding. A 1% cut in VOCA funding would make \$6,654 less funding available for the provision of these services.

7. **Temporary Assistance for Needy Families ("TANF") Funds.** The U.S. Department of Health and Human Services distributes TANF funds to the State of Arizona, who then distributes these funds to municipalities or other organizations based on the number of low-income individuals under 125% of the Federal poverty level in each service area. TANF funds are used to design and operate programs that help needy families achieve self-sufficiency. An undercount of the population in Phoenix would likely affect the funding provided to the City of Phoenix to provide case management services (counseling, skills development, budgeting, employment assistance, etc.) to individuals and families seeking self-sufficiency. The City of Phoenix's Community and Family Services Centers use \$985,710 in TANF funds annually. A 1% reduction in those funds would be a loss of

\$9,857, which would translate into a loss in man hours, negatively impacting the City's ability to provide critical services to its population.

8. **Low-Income Home Energy Assistance ("LIHEAP") Funds.** The U.S. Department of Health and Human Services distributes LIHEAP funds to the State of Arizona, who then distributes these funds to municipalities or organizations based on the number of low-income individuals under 125% of the Federal poverty level in each service area. LIHEAP funds are used to assist families with energy costs. A differential undercount in Arizona relative to other states, or in Phoenix relative to other municipalities in Arizona, would likely affect the funding provided to the City of Phoenix to provide assistance with paying utility bills, increasing the risk of health and safety problems that arise from unsafe heating and cooling practices. The City of Phoenix's Community and Family Services Centers have an annual LIHEAP budget of \$6,020,953. A 1% reduction would result in the loss of \$60,209 and would mean utility assistance payments will not be processed for roughly 109 households.
9. **Head Start Funds.** The U.S. Department of Health and Human Services grants funding directly to municipalities and other organizations to promote school readiness of children from birth through age 5 from low-income families through education, health, social and other services. Each municipality/non-profit providing Head Start services is required to use a community needs assessment in order to identify eligible families for selection and enrollment. Head Start slots are placed in specific areas related to where eligible families are in the city. The families we serve are at poverty and have additional risk factors. There is no requirement for them to have legal presence. The community needs assessments require the use of census data to identify where we place our services and slots. A differential

undercount of the population of children aged 0-5 in Phoenix, relative to other municipalities, would likely affect the community needs assessment, which will lead to erroneous information that will impact identifying families that meet the eligibility requirements for Head Start and associated services. A 1% cut in the City's \$34,405,759 annual Head Start budget would mean a loss of \$344,057 and result in the loss of 35 slots for these much-needed school readiness services.

10. **Workforce Innovation and Opportunity Act ("WIOA") Funds.** The U.S. Department of Labor grants funding to the State of Arizona, who then distributes to municipalities and other organizations based on: (a) local area relative share of total unemployed in area of substantial unemployment; (b) local area relative share of excess unemployed; and (c) local area relative share of economically disadvantaged adults ages 22-72. A differential undercount of the population of the City of Phoenix relative to other municipalities will impact the distribution of funds to the City of Phoenix by reducing the number of participants who would receive services under the WIOA programs and services such as employment training, skills development, occupational training. Stated differently, because allocations are based on formulas stated above, an undercount of individuals associated with a particular metric/data point will reduce the allocation, thereby reducing the number of individuals that can be served with those program funds. These programs also include a youth component designed to prepare youth to enter post-secondary education, training and employment. The City of Phoenix receives \$10,751,819 in WIOA funds annually. A 1% reduction in those funds would result in \$107,518 less funds available for employment and support services to adult, youth, and displaced workers.

I declare under penalty of perjury that, to the best of my knowledge, the foregoing is true and correct.

Executed on this 25th day of October, 2018


MARCHELLE FRANKLIN